



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re Application of: Helen K. Purss et al. Art Unit: 1743  
Serial No.: 10/085,658 Examiner: NOT YET KNOWN  
For: POLYMERIC MEMBRANES AND USES THEREOF  
Date: March 29, 2004

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE NOTICE TO FILE MISSING PARTS**

SIR:

Applicant hereby petitions pursuant to MPEP 711.03(c)II that the Commissioner withdraw the holding of abandonment in the above-identified patent application ("the Application").

The facts of the case are as follows:

1. I, the undersigned, am the head of the Intellectual Property Department in the New York Office of Baker & McKenzie.
2. On or around January 29, 2004, Applicant's attorney Frank Gasparo received a telephone call from Cherrie M. Haywood of the USPTO Office of Initial Patent Examination. Ms. Haywood said she was about to send out a Notice of Abandonment. Mr. Gasparo, an attorney under my supervision, asked what was the reason for abandonment. Ms. Haywood stated that the applicant failed to reply to a Notice to File Missing Parts mailed on May 16, 2002.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail on March 29, 2004 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

  
James David Jacobs, Esq. Reg. No. 24,299

Date: March 29, 2004

3. We retrieved our docket record for the Application and the physical file jacket from our record room.

4. A copy of the docket record is attached as Exhibit A.

5. A copy of the front cover of the file jacket is attached as Exhibit B.

6. A search in the docket record (Exhibit A) shows no entry for a Notice to File Missing Parts mailed on this date. If the Notice to File Missing Parts had been received, it would have been entered as an action item in the docket record. The docket system would then have automatically populated a reply date of 2 months from the date of the Notice to File Missing Parts.

7. A manual search in the file jacket indicates that the Notice to File Missing Parts was not received. If the Notice to File Missing Parts had been received, it would be present in the file jacket. It is not in the file jacket.

8. If the Notice to File Missing Parts had been received, the front cover of the file jacket (Exhibit B) would have appropriate entries entered under the "Date of Off Actions" column, "Description" column, "Response Due" column, "Atty." column. No such entries appear on the file jacket cover.

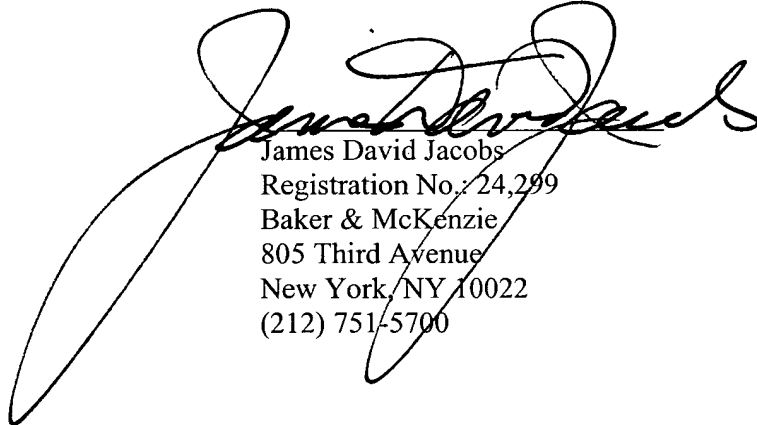
9. After verifying that the status of the Application under the USPTO PAIR system shows that the application was abandoned, on January 29, 2004, we called Ms. Haywood back to ask for copies of the Notice to File Missing Parts and to confirm that the Notice had not been received.

10. Ms. Haywood said she would mail a Notice of Abandonment with a copy of the Notice to File Missing Parts in question. Copies of the Notice to File Missing Parts and the Notice of Abandonment are attached as Exhibit C.

From the above facts, Applicants submit that the abandonment of the application should be withdrawn because Notice to File Missing Parts was not received, and the Applicant's attorney only recently uncovered the application's status as being abandoned.

No fee is believed due with the filing of this petition. However, if any fee is due, or to credit any overpayment, the Commissioner for Patents is hereby authorized to charge Deposit Account no. 02-0393 of Baker & McKenzie.

Respectfully submitted,



James David Jacobs  
Registration No.: 24,299  
Baker & McKenzie  
805 Third Avenue  
New York, NY 10022  
(212) 751-5700



# Patent: 56104576-32, United States, Regular, National, Original Filing

## Patent Data

Docket Number	56104576-32	Attorney	Frank M. Gasparo
Country	United States	Agent	
Case Type	Regular	Client\Division	Gradipore Limited
Relation Type	Original Filing	Current Owner	
Filing Type	National	Billing Attorney	James David Jacobs, Esq.
Filing Number		File Location	
Status	Filed	First Filing Date	2/27/2001
Sub Status		Sub Status Date	
Parent Country	Australia	Parent Filing Date	
Parent Number	PR 3407	Parent Grant Date	2/27/2001
Application Number	10/085,658	Application Date	2/27/2002
Patent Number		Grant Date	
Publication Number		Publication Date	
Assigned	Assignment Recorded	Ind. Claims\Designs	3
Convention Type	Based on Priority Case	Total Claims	53
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Custom Party #1		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	MJPP	Customer Name	Baker McKenzie - New York

## Title

POLYMERIC MEMBRANES AND USES THEREOF

## Description

PCT Application No. PCT/AU02/00210 filed 2/27/2002.

## Current Expense Information

## Other Case-Related Information

### Actions

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Action Notes
Foreign Filing Complete	2/27/2001			2/27/2001	James David Jacobs,	Frank M. Gasparo	

Notice of Missing Parts Mail date	4/1/2002	6/1/2002	Esq. James David Jacobs, Esq.	Frank M. Gasparo
Assignment Filed	4/15/2002	4/15/2002	James David Jacobs, Esq.	Frank M. Gasparo
POA Filed	4/27/2002	4/15/2002	James David Jacobs, Esq.	Frank M. Gasparo
Priority document received	4/27/2002	3/11/2002	James David Jacobs, Esq.	Frank M. Gasparo
IDS Filed	5/27/2002	12/5/2002	James David Jacobs, Esq.	Frank M. Gasparo
Notice Missing Parts Filed	6/1/2002	4/15/2002	James David Jacobs, Esq.	Frank M. Gasparo
Benefit of Earlier Appl. Claimed	6/27/2002	2/27/2002	James David Jacobs, Esq.	Frank M. Gasparo
Published	8/27/2002		James David Jacobs, Esq.	Frank M. Gasparo
PCT Application Filed	2/27/2003	2/27/2002	James David Jacobs, Esq.	Frank M. Gasparo
Not. of Abandonment date	1/29/2004		James David Jacobs, Esq.	Frank M. Gasparo
(Abandon?)	3/29/2004		James David Jacobs, Esq.	Frank M. Gasparo
Petition Due	3/29/2004		James David Jacobs, Esq.	Frank M. Gasparo

**Inventors**

Inventor Name      Assignment Date

Helen K. Purss

Marcus J. Caulfield

David H. Solomon

**Other Nos**

Other Number Code      Other Number      Other Number      Date

Arter &amp; Hadden Ref. No.      75978-20015

Client Ref. No.      E 13

USPTO Confirm No.      8649

Group Art Unit      1743

Assignment Recordation Number 012849/0612      4/24/2002

CreateUser: AHF

CreateDate: 2/4/2002

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UpdateUser: NYCAHF

UpdateDate: 3/11/2004

Client Name Gradipore Ltd.  
Ref. No. 56104576-32  
Client Reference 75978-20015

Attorney(s) JDJ-FmG

## UNITED STATES PATENT

Serial No. 10/085 658 Patent No. \_\_\_\_\_  
 Filed 2-27-2002 Patent Date \_\_\_\_\_  
 Inventor(s) Helen K. Purss et al.

Title Polymeric Membranes and Uses Thereof.

CON/DIV CPA CIP of Serial No. \_\_\_\_\_ Filed \_\_\_\_\_

Based on Foreign Appl. PR 3407 Filed 2-27-2001 Claim of Priority Filed yes

US National Phase of PCT \_\_\_\_\_ Filed \_\_\_\_\_

Small Entity Filed claimed Info. Disclosure Filed 12-5-02

Assignee Gradipore Limited

Recorded 4-24-2002 Reel 012849 Frame(s) 0612

Notice of Allowance \_\_\_\_\_ Issue Fee Due \_\_\_\_\_ Issue Fee Paid \_\_\_\_\_

[illegible]

## MAINTENANCE

Years	3½	7½	11½
Due			
Paid			

BAKER & MCKENZIE  
NEW YORK, NY

R6192 KRUYSMAN (800) 221-3218

Serial No. 19/0854 Inventor(s) Heleen K. Purss Client Gordipore Ref. No. 56104576-32

BEST AVAILABLE COPY

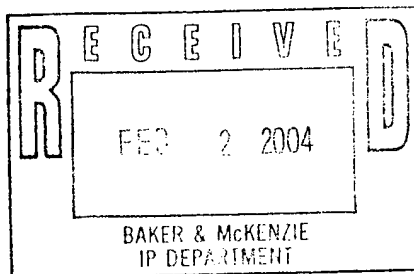


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/085,658	02/27/2002	David Henry Solomon	56104576-32

26453  
BAKER & MCKENZIE  
805 THIRD AVENUE  
NEW YORK, NY 10022



CONFIRMATION NO. 8649

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011777955\*

Date Mailed: 01/29/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/16/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT ACTION

Docketed 2/6/04 Atty JDJ  
Case 56104576-32  
Due Date 3/29/2004

Action Petition to WD Holding of  
By Amelia Finke *Abandonment*



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/085,658	02/27/2002	David Henry Solomon	56104576-32

CONFIRMATION NO. 8649

ABANDONMENT/TERMINATION  
LETTER

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 BAKER & MCKENZIE  
 805 THIRD AVENUE  
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Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

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*A copy of this notice **MUST** be returned with the reply.*

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 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE